

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

SELENA HOWARD, DARIOUS LEGGETT, AND
ANTRINET LEGGETT

PLAINTIFF

VS

CAUSE NO. W19-0106

FORREST COUNTY, CHEY SUMRALL
INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY, BLAKE BASS INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY

DEFENDANT

I, GWEN WILKS, CLERK OF THE CIRCUIT COURT, IN AND FOR THE COUNTY OF
FORREST, STATE OF MISSISSIPPI, DO HEREBY CERTIFY THAT THIS IS A TRUE COPY
OF ALL DOCUMENTS FILED IN THE ABOVE STYLED CASE.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE IN THE CITY OF
HATTIESBURG, FORREST COUNTY, MISSISSIPPI, ON THIS THE 30 DAY OF
May, 2019.



GWEN WILKS, CIRCUIT CLERK

BY:

Kimi Turner D.C.

1 General Docket, Civil Cases, Circuit Court, FORREST COUNTY CIRCUIT COU

No. W19-0106

CFN 30245

HOWARD SELENA/DARIOUS LEGGETT ET AL
VS.

Counsel for Plaintiff
DANIEL M WAIDE
Counsel for Defendant

FORREST COUNTY ET AL
CIVIL RIGHTS - EXCESSIVE FORCE

JUDGE Jon Mark Weathers

DATE

5/15/19 COMPLAINT FILED/SUMMONS ISSUED/RTA

5/22/19 SUMMONS RETURNED EXECUTED (FORREST COUNTY, MISSISSIPPI -
JIMMY HAVARD) P/S TO SANDRA BOUNDS 5/17/19



CERTIFIED A TRUE COPY

Forrest County, Mississippi

Gwen Wilks, Circuit Clerk

This the 30 day of May, 2019

By: [Signature] D.C.

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

**SELENA HOWARD; DARIOUS LEGGETT; and
ANTRINET LEGGETT**

PLAINTIFFS

VERSUS

FILED

MAY 15 2019

CAUSE NO: W19-0106

**FORREST COUNTY;
CHEY SUMRALL, individually and
in his official capacity; BLAKE BASSS
individually and in his official capacity;**

Justitia
FORREST COUNTY CIRCUIT CLERK

DEFENDANTS

COMPLAINT

COMES NOW, Plaintiffs, by and through undersigned counsel, and makes this, their Complaint against named Defendants, and would show unto the Court the following, to wit:

PARTIES

1. Plaintiff, Darius Leggett, is a resident citizen of Forrest County, Mississippi who may be contacted through undersigned counsel.
2. Plaintiff, Selena Howard, is a resident citizen of Forrest County, Mississippi who may be contacted through undersigned counsel.
3. Plaintiff, Antrinet Leggett, is a resident citizen of Forrest County, Mississippi who may be contacted through undersigned counsel.
4. Defendant Chey Sumrall is sued in his individual capacity and as a deputy of the Forrest County sheriff department and may be served with process at 55 Arena Drive, Hattiesburg, Mississippi 39401.

5. Defendant Blake Bass is sued in his individual capacity and as a deputy of the Forrest County Sheriff department and may be served with process at 55 Arena Drive, Hattiesburg, Mississippi 39401.
6. Defendant Forrest County is a governmental entity organized and authorized by the laws of the State of Mississippi who may be served with process through Jimmy Havard, Forrest County Chancery Clerk, 641 Main Street, Hattiesburg, Mississippi, 39401.

JURISDICTION AND VENUE

7. Venue is proper pursuant to Miss. Code Ann. § 11-11-3 because substantial acts and omissions which caused the injury occurred in Forrest County, Mississippi, and because the action against governmental entities must be commenced in the county where the entities are located. The misconduct complained of herein arose in Lamar County, Mississippi. Jurisdiction of the parties and of the subject matter of this action are proper in this Court.
8. This action is authorized by 42 U.S.C. § 1983 and made pursuant to the 1st, 4th and 14th Amendments to the United States Constitution.

FACTUAL ALLEGATIONS

9. On or about September 27, 2017 the individual Defendant officers arrived at the Plaintiffs' home on Elks Road in Hattiesburg to allegedly perform a "welfare check" on the Plaintiffs' dogs.
10. The day before the "welfare check," an older couple complained that the Plaintiffs would not allow them to trespass on their property in order to visit a confederate cemetery.

11. On September 27, 2017 the individual Defendants began to approach the porch of the home and were met by Selena Howard, a white female. The parties began discussing the presence of dogs on the property.
12. Selena Howard informed the officers that the dogs belong to her.
13. Darius Leggett, a black male and boyfriend of Selena Howard, exited the home and walked onto the porch to talk with the deputies and asked the deputies why they were there. Mr. Leggett was not confrontational, nor did Mr. Leggett make any other inquiry at that time.
14. The Defendant officers, seemingly upset by Darius Leggett's questioning their presence, respond that they can arrest Mr. Leggett then and there because one of the dogs is on a chain, as opposed to being allowed to run free.
15. The Defendant officers then command Mr. Leggett to "get your God D**mn dog off the chain." Mr. Leggett complied and removed the dog from the chain.
16. The Defendant officers then threatened to arrest Mr. Leggett because of the dogs. The Defendant officers did not harass or make any threats towards the white female, Selena Howard, despite her having told the officers that dogs belonged to her.
17. The Defendant officers then demanded to see how much dog food the Plaintiffs had in the house. Mr. Leggett began to walk into the house and the deputies attempted to follow Mr. Leggett into the house. Mr. Leggett told the deputies "I know my rights, stop there." Mr. Leggett retrieved the dog food container and showed the container to the individual Defendants.

18. Seemingly upset over not being allowed to enter the house, the deputies then became more aggressive and began to try and provoke Mr. Leggett by getting in the face of Mr. Leggett, being verbally abusive.
19. Defendant Sumrall then told Mr. Leggett "I know you want to do something..." At this point, Antrinet Leggett stepped between Defendant Sumrall and her son and asked Defendant Sumrall to leave her son alone.
20. At this point, the Defendant officers attempted to place Mr. Leggett under arrest, allegedly because of the dogs.
21. For a second time, Selena Howard informed the officers that the dogs belonged to her and that the house was hers, not Mr. Leggett.
22. Ms. Howard, a white female, was ignored by the Defendant officers who continued to harass Mr. Leggett and his mother Antrinet Leggett.
23. Mr. Leggett questioned and protested his arrest and was tazed for questioning his arrest under these circumstances. The officers lacked probable cause to arrest or detain any Plaintiff. Further, County officers do not ordinarily arrest or detain any person for charges regarding animals under these circumstances.
24. Antrinet Leggett then threatened to call a judge who she knew because the Defendant Officer's actions were not right, which seemed to make the Defendant Officers angrier and more aggressive.
25. The Defendant Officers then slapped the phone out of Mrs. Leggett's hand. Mrs. Leggett fell to the ground, striking her head. The Defendant Officers took the phone and never returned the phone to Mrs. Leggett.

26. The officers then placed handcuffs on Mrs. Leggett. Mrs. Leggett protested the unlawful arrest and was tazed as a result of her protest by Defendant Sumrall.
27. While Mr. Leggett was watching the Defendant Officer's unlawfully arrest and assault his mother, Mr. Leggett protested the Defendant Officer's actions. In response to the protest, Defendant Bass pointed his tazer directly at Mr. Leggett's genitals and fired his tazer, striking Mr. Leggett in his testicles, causing extreme pain to Mr. Leggett.
28. Based upon the time it took to aim the tazer at Mr. Leggett's genitals, Defendant Bass purposefully fired the tazer at Mr. Leggett's genitals. This use of force was clearly unnecessary and excessive.
29. Mr. Leggett was taken to Forrest General Hospital because the tazer prongs had to be removed from his genitals by medical staff.
30. Mrs. Leggett was arrested and spent the night in jail.
31. During the incident, Mrs. Howard called 911 to request law enforcement send someone to help and stop the Defendant Officers from assaulting the Leggetts.
32. During the incident, the Defendant officers completely ignored the white owner of the dogs and property.
33. At a trial in this matter, all Defendants were found to be not guilty of any and all charges brought against them by the individual Defendants.

ALLEGATIONS OF LAW

34. Plaintiffs incorporates by reference each of the preceding paragraphs as if they had been fully restated herein.

35. All acts of the Defendants were under the color and pretenses of the ordinances, policies, practices, customs, regulations, usages and/or statutes of the United States Government, the State of Mississippi and Forrest County.
36. It is the custom and policy of all Defendants to violate the procedural and substantive due process rights of individuals. The County has refused to provide their deputies with body cameras in order to prevent the public from witnessing the unlawful actions of deputies, as complained of herein. Therefore, the County has encouraged and ratified the actions complained of herein.
37. It is the custom and policy of all Defendants to violate the search and seizure rights of citizens in and around the area of Forrest County where the unlawful seizure of Plaintiffs occurred.
38. It is the policy and practice of the Defendants to violate the civil rights of in and around the area of Forrest County where the unlawful seizure occurred.
39. It is the policy and custom of Defendants to falsely arrest black citizens in the area of Forrest where the unlawful seizure occurred, while white citizens are warned, left only, or given a citation as opposed to being arrested.
40. Defendants did not have reasonable suspicion and/or probable cause to enter the home.
41. Defendant Officers did not follow their own policy or procedure in searching, tazing, arresting, booking, and holding the Leggetts.
42. Forrest County has failed to train and/or supervise their subordinates to prevent the actions described herein.
43. Defendants' actions were in bad faith and were intended and designed to punish the Leggetts because of their race.

44. At all times relevant to this action, Plaintiffs' rights were clearly established. At all times relevant to this action, Defendants violated Plaintiffs' constitutional rights.
45. Defendants' actions evidence malice and/or constitute willful misconduct.
46. As a result of Defendants' actions, Plaintiffs have suffered humiliation, embarrassment, loss of reputation and had their liberty and privacy interests severely impacted.

**COUNT I IN VIOLATION OF 42 U.S.C. 1983
Fourth Amendment/Fourteenth Amendment – Unlawful Seizure**

47. Plaintiffs incorporate by reference each of the preceding paragraphs as if they had been fully restated herein.
48. The unlawful actions of the Defendants, as alleged herein, constituted an intrusion into Plaintiffs' right to be free from an unlawful seizure of their person.
49. Defendants had an affirmative duty to prevent such intrusions.
50. Defendant Officers, acting without authority, knowingly conducted an illegal seizure of Darious and Antrinet Leggett. Defendants used excessive force resulting in Plaintiffs' unlawful seizure and incarceration.
51. Defendants, acting knowingly, maliciously, willfully and wantonly, and evincing a complete and utter disregard for the rights of the Plaintiffs, unlawfully seized Plaintiffs despite lacking reasonable suspicion or probable cause.
52. Plaintiffs have an established constitutional right to be free from an unlawful seizure and confinement.
53. As a direct and proximate cause of Defendants' actions, Plaintiffs' rights, as guaranteed by the Fourth and Fourteenth Amendments, were injured.

WHEREFORE Plaintiff prays for relief against all Defendants as set forth below.

**COUNT II IN VIOLATION OF 42 U.S.C. 1983
1st Amendment**

54. Plaintiffs incorporate by reference each of the preceding paragraphs as if they had been fully restated herein.
55. The Defendants placed Mr. Leggett under arrest only after he protested the Defendants attempt to enter his home unlawfully.
56. The Defendants attacked and placed Mrs. Leggett under arrest only after she threatened to call and report the officers' misconduct.
57. The unlawful and retaliatory actions of Defendants, as alleged herein, deprived Plaintiffs of their rights under the 1st Amendment.
58. As a direct and proximate cause of Defendants' actions, Plaintiffs' rights, as guaranteed by the 1st Amendment, were injured.
59. Additionally, the Plaintiffs were assaulted and tazed when they attempted to protest the unlawful actions of the Defendants, further depriving the Plaintiffs of their rights under the 1st Amendment.

WHEREFORE Plaintiff prays for relief against all Defendants as set forth below.

**COUNT III IN VIOLATION OF 42 U.S.C. 1983
Fourth Amendment/Fourteenth Amendment – False Imprisonment**

60. Plaintiffs incorporate by reference each of the preceding paragraphs as if they had been fully restated herein.
61. The unlawful actions of Defendants, as alleged herein, deprived Plaintiff of their rights against false imprisonment.

62. Defendants recklessly, knowingly, intentionally, willfully and wantonly arrested and falsely imprisoned Plaintiffs with the understanding that there was no lawful arrest made of the Plaintiffs.
63. No reasonable officer in Defendants' position, with the information each had in his or her possession when seeking the search and arrest of Plaintiffs, would have found that the stop and force used was constitutional.
64. Based on the acts described herein, the process by which Plaintiffs were wrongfully searched, arrested and confined was so wholly lacking in the concept of justice in a civilized society, that Plaintiffs were never actually provided legal process and, therefore, were falsely imprisoned by Defendants.
65. Defendants, Forrest County, and Forrest County Sheriff's Department, as supervisors of Defendants, respectively, recklessly, knowingly, intentionally, willfully and wantonly, participated in, knew of, condoned and/or approved the wrongful acts of Defendants described herein, with the intent and understanding to bring about Plaintiffs' unconstitutional arrests, tazing, search, and confinement.
66. As a direct and proximate cause of Defendants' actions, Plaintiffs' rights, as guaranteed by the Fourth and Fourteenth Amendments, were injured.

WHEREFORE Plaintiff prays for relief against all Defendants as set forth below.

COUNT IV IN VIOLATION OF 42 U.S.C. 1983
Excessive Force in Violation of the Fourth and Fourteenth Amendment

67. Plaintiffs incorporate by reference each of the preceding paragraphs as though fully restated herein.

68. On September 27, 2017 the Defendants used excessive force upon the Plaintiffs during an unlawful seizure and violated Plaintiffs' right to bodily integrity.
69. Plaintiffs have a constitutional right to bodily integrity and to be free from the use of excessive force and outrageous and unreasonable force, which shocks the conscience and offends traditional notions of decency.
70. Plaintiffs have a right to be free from the use of deprivation of life and liberty without due process of law.
71. Plaintiffs' rights were clearly established and violated by the Defendants' actions as described herein.

WHEREFORE Plaintiffs pray for relief against all Defendants as set forth below.

**COUNT V IN VIOLATION OF 42 U.S.C. 1983
Fourteenth Amendment – Equal Protection**

72. Plaintiffs incorporate by reference each of the preceding paragraphs as though fully restated herein.
73. The Leggetts were assaulted and arrested because they are black. The Defendant Officers claimed that they were arresting the Leggetts because of the dogs being allegedly neglected, however, Selena Howard informed the officers on multiple occasions that the dogs and the property belonged to her.
74. Selena Howard is white. The Defendant officers refused to listen or talk with Ms. Howard. Mrs. Howard was later given a citation, but she was never placed under arrest while the black Plaintiffs were assaulted, arrested, and confined in the county jail.
75. The Individual Defendants' actions evidence a racially motivated arrest and assault on the Leggetts, because they are black.

WHEREFORE Plaintiffs pray for relief against all Defendants as set forth below.

**COUNT VI IN VIOLATION OF 42 U.S.C. 1981; 42 U.S.C. 1985; and 42 U.S.C. 1988
Race Discrimination**

76. Plaintiffs incorporate by reference each of the preceding paragraphs as if they had been fully restated herein.

77. The actions of the Defendants have deprived the Plaintiffs of their civil rights because the Leggetts are black.

78. As complained of herein, non-black persons were and are treated more favorably than black persons, and more specifically the Plaintiffs in this action.

79. Upon information and belief, the preferential treatment of alleged non-black offenders is common practice and custom within Forrest County, depriving Plaintiffs and all black persons of fair and equal treatment under the law based upon race.

80. More specifically, the Individual Defendants berated and antagonized the Plaintiffs because of an animal welfare check. Non-black individuals accused of animal neglect are only given citations, while in this instance, the Plaintiffs (Darius and Antrinet Leggett) were detained.

WHEREFORE Plaintiffs pray for relief against all Defendants as set forth below.

**COUNT VII IN VIOLATION OF OF- 42 U.S.C. § 1983
(Fourteenth Amendment – Fabrication/Misrepresentation of Evidence)**

81. Plaintiffs incorporate by reference each of the preceding paragraphs as if they had been fully restated herein.

82. Upon information and belief, Defendants Sumrall and Bass provided deliberately or recklessly false/misleading evidence and/or information in order to prosecute Plaintiffs.

83. Defendants Sumrall and Bass knew, or with reasonable diligence would have known, that Plaintiffs had not neglected their dogs, nor had the Plaintiffs committed any other crime for which any Plaintiff was accused.

84. Defendants Sumrall and Bass knew that no Plaintiff initiated any altercation with the officers in order to substantiate the charges brought against the Plaintiffs.

85. Upon information and belief, Forrest County has a policy or custom or pressing unfounded and/or false charges against persons who have been the victim of excessive force. The County's policy or custom in this case caused the deprivation of Plaintiffs' rights.

86. The County has furthered this unlawful policy and/or custom by refusing to purchase body cameras and dash cameras in an effort to insulate officers from proof of unlawful acts such as excessive force.

WHEREFORE Plaintiffs pray for relief against all Defendants as set forth below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court:

1. Assume jurisdiction over this action;
2. Declare that Defendants' actions, as herein described, violated Plaintiff's constitutional rights under the First, Fourth and Fourteenth Amendments to the United States Constitution;
3. Appropriate equitable relief including but not limited to prospective injunctive relief, declaratory and other injunctive remedies;
4. Award Plaintiffs nominal and actual damages for Defendants violation of their constitutional and statutory rights;

5. Award Plaintiffs compensatory damages, including, but not limited to, those for past and future pecuniary and non-pecuniary losses, emotional distress, suffering, loss of reputation, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses;
6. Punitive damages for all claims allowed by law in an amount to be determined at trial;
7. Pre-judgment and post-judgment interest at the highest lawful rate;
8. Award Plaintiff his costs of litigation, including reasonable attorney's fees and expenses, pursuant to 42 U.S.C. sec. 1988 and/or 20 U.S.C. sec. 1400 et seq.; and
9. Grant such other relief to which Plaintiff may be entitled or as this Court deems necessary and proper.

RESPECTFULLY SUBMITTED this the 14th day of May, 2019.

**SELENA HOWARD; DARIOUS
LEGGETT; and
ANTRINET LEGGETT
PLAINTIFFS**

DANIEL M. WAIDE, MSB #103543

Daniel M. Waide, (MSB#103543)
Johnson, Ratliff & Waide, PLLC
1300 HARDY ST.
PO Box 17738
HATTIESBURG, MS 39404
601-582-4553 (OFFICE)
601-582-4556 (FAX)
dwaide@jhrlaw.net

RTA

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

SELENA HOWARD; DARIOUS LEGGETT; and
ANTRINET LEGGETT

PLAINTIFFS

V.

CIVIL ACTION NO.:

19-0106

FORREST COUNTY;
CHEY SUMRALL, individually and
in his official capacity; BLAKE BASS,
individually and in his official capacity

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI
COUNTY OF FORREST

TO: Forrest County, Mississippi
c/o Jimmy Havard
641 Main Street
Hattiesburg, MS 39401

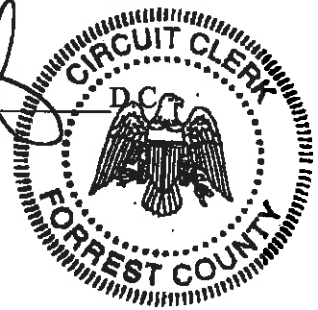
THE COMPLAINT, WHICH IS ATTACHED TO THIS SUMMONS, IS IMPORTANT AND YOU
MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint to Daniel M. Waide, P.O. Box 17738, Hattiesburg, MS 39404, attorney for the Plaintiffs. Your response to the Complaint must be mailed or delivered within 30 days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint. You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 15 day of May, 2019.

Gwen Wilks,
FORREST COUNTY CIRCUIT CLERK

By



Daniel M. Waide, (MSB#103543)
1300 HARDY ST.
PO Box 17738
HATTIESBURG, MS 39404
601-582-4553 (OFFICE)
601-582-4556 (FAX)
dwaide@jhrllaw.net

PROOF OF SERVICE – Summons
(Process Server)

I, the undersigned process server, served the *Summons* upon the person or entity named above in the manner set forth below:

____ PERSONAL SERVICE. I personally delivered a copy to _____ on the ____ day of _____, 2019, where I found said person in _____ County, Mississippi.

____ RESIDENCE SERVICE. After exercising reasonable diligence, I was unable to deliver copies to said person within _____ County, Mississippi. I served the Summons on the ____ day of _____, 2019, at the usual place of abode of said person by leaving a copy of the *Summons* with _____ who is the _____ (insert wife, husband, son, daughter, or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the Summons, and thereafter on the ____ day of _____, 2019, I mailed, by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

At the time of service, I was at least 18 years of age and not a party to this action.

Process server must list below:

Name: _____
Address: _____
Telephone: _____

STATE OF MISSISSIPPI
COUNTY OF _____

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____, who being first by me duly sworn, states on oath that the matters and facts set forth in the foregoing "Proof of Service - are true and correct as therein stated.

PROCESS SERVER

Sworn to and subscribed before me on this the ____ day of _____, 2019.

NOTARY PUBLIC

My Commission Expires:

RTA

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

SELENA HOWARD; DARIOUS LEGGETT; and
ANTRINET LEGGETT

PLAINTIFFS

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CIVIL ACTION NO.:

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FORREST COUNTY;
CHEY SUMRALL, individually and
in his official capacity; BLAKE BASS,
individually and in his official capacity

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI
COUNTY OF FORREST

TO: Chey Sumrall
55 Arena Drive
Hattiesburg, MS 39401

THE COMPLAINT, WHICH IS ATTACHED TO THIS SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

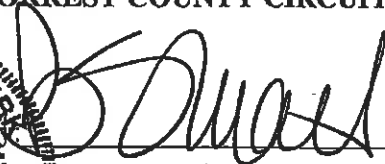
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Issued under my hand and seal of said Court, this 15 day of May, 2019.

Gwen Wilks,
FORREST COUNTY CIRCUIT CLERK



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1300 HARDY ST.
PO Box 17738
HATTIESBURG, MS 39404
601-582-4553 (OFFICE)
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dwaide@jhlrlaw.net

 D.C.

PROOF OF SERVICE - Summons
(Process Server)

I, the undersigned process server, served the *Summons* upon the person or entity named above in the manner set forth below:

PERSONAL SERVICE. I personally delivered a copy to _____ on the _____ day of _____, 2019, where I found said person in _____ County, Mississippi.

RESIDENCE SERVICE. After exercising reasonable diligence, I was unable to deliver copies to said person within _____ County, Mississippi. I served the *Summons* on the _____ day of _____, 2019, at the usual place of abode of said person by leaving a copy of the *Summons* with _____ who is the _____ (insert wife, husband, son, daughter, or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the *Summons*, and thereafter on the _____ day of _____, 2019, I mailed, by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

At the time of service, I was at least 18 years of age and not a party to this action.

Process server must list below:

Name: _____
Address: _____
Telephone: _____

STATE OF MISSISSIPPI
COUNTY OF _____

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named _____, who being first by me duly sworn, states on oath that the matters and facts set forth in the foregoing "Proof of Service - are true and correct as therein stated.

PROCESS SERVER

Sworn to and subscribed before me on this the _____ day of _____, 2019.

NOTARY PUBLIC

My Commission Expires:

RTA

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

SELENA HOWARD; DARIOUS LEGGETT; and
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PLAINTIFFS

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CIVIL ACTION NO.: W19-0106

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SUMMONS

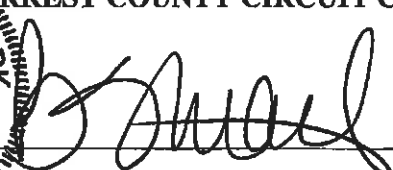
THE STATE OF MISSISSIPPI
COUNTY OF FORREST

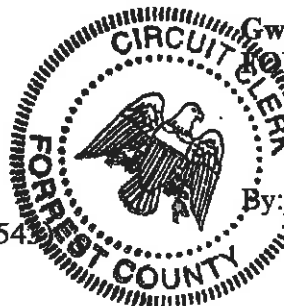
TO: Blake Bass
55 Arena Drive
Hattiesburg, MS 39401

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Issued under my hand and seal of said Court, this 15 day of May, 2019.

Gwen Wilks,
FORREST COUNTY CIRCUIT CLERK
By:  D.C.



Daniel M. Waide, (MSB#10354)
1300 HARDY ST.
PO Box 17738
HATTIESBURG, MS 39404
601-582-4553 (OFFICE)
601-582-4556 (FAX)
dwaide@jhrlaw.net

PROOF OF SERVICE - Summons
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COUNTY OF _____

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PROCESS SERVER

Sworn to and subscribed before me on this the ____ day of _____, 2019.

NOTARY PUBLIC

My Commission Expires:

COVER SHEET Civil Case Filing Form <i>(To be completed by Attorney/Party Prior to Filing of Pleading)</i>		Court Identification Docket Number <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> </div> <small>County # Judicial District (CH, CI, CO)</small> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> </div> <small>Month Date Year</small>	Case Year <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> </div>	Docket Number <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> </div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> <div style="border: 1px solid black; width: 40px; height: 20px;"></div> </div> <small>Local Docket ID</small>			
<small>Mississippi Supreme Court Administrative Office of Courts</small>		<small>Form AOC/01 (Revised 1/1/2001)</small>		<small>This area to be completed by clerk</small>		<small>Case Number if filed prior to 1/1/94</small>	
<div style="display: flex; justify-content: space-between;"> IN THE <u>CIRCUIT</u> COURT OF <u>FORREST</u> COUNTY </div>							
Short Style of Case: <u>Selena Howard, et al v. Forrest County</u>							
Party Filing Initial Pleading: Type/Print Name <u>Daniel M. Waide</u>							
Check (✓) if Not an Attorney Check (✓) if <i>Pro Hac Vice</i> Signature <u>[Signature]</u> MS Bar No. <u>103543</u>							
Compensatory Damages Sought: \$ _____ Punitive Damages Sought: \$ _____							
Is Child Support contemplated as an issue in this suit? Yes _____ No _____ If "yes" is checked, please submit a completed Child Support Information Sheet with Final Decree/Judgment							
PLAINTIFF - PARTY(IES) INITIALLY BRINGING SUIT SHOULD BE ENTERED FIRST (FIRST NAME IN SHORT STYLE) - ENTER ADDITIONAL PLAINTIFFS ON SEPARATE FORM							
Individual <u>Howard</u> <u>Selena</u> (_____) <small>Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV</small>							
Address of Plaintiff _____							
Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____							
Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____							
D/B/A / Agency _____							
Business _____							
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated							
Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: _____							
D/B/A: _____							
DEFENDANT - NAME OF DEFENDANT (FIRST NAME IN SHORT STYLE) - ENTER ADDITIONAL DEFENDANTS ON SEPARATE FORM							
Individual _____ <small>Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV</small>							
Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: _____							
Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: _____							
D/B/A / Agency _____							
Business <u>Forrest County, Mississippi</u>							
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated							
Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below: _____							
D/B/A: _____							
ATTORNEY FOR THIS DEFENDANT: _____ Bar No. _____ or Name: _____ Pro Hac Vice (✓) _____ <small>(if known)</small>							
In left hand column, check one (1) box that best describes the nature of this suit. In right hand column check all boxes which indicate secondary claims.							
<div style="display: flex;"> <div style="flex: 1;"> <p>Business/Commercial</p> <p><input type="checkbox"/> Accounting (Business)</p> <p><input type="checkbox"/> Bankruptcy</p> <p><input type="checkbox"/> Business Dissolution - Corporation</p> <p><input type="checkbox"/> Business Dissolution - Partnership</p> <p><input type="checkbox"/> Debt Collection</p> <p><input type="checkbox"/> Employment</p> <p><input type="checkbox"/> Examination of Debtor</p> <p><input type="checkbox"/> Execution</p> <p><input type="checkbox"/> Foreign Judgment</p> <p><input type="checkbox"/> Garnishment</p> <p><input type="checkbox"/> Pension</p> <p><input type="checkbox"/> Receivership</p> <p><input type="checkbox"/> Replevin</p> <p><input type="checkbox"/> Stockholder Suit</p> <p><input type="checkbox"/> Other _____</p> <p>Domestic Relations</p> <p><input type="checkbox"/> Child Custody/Visitation</p> <p><input type="checkbox"/> Child Support</p> <p><input type="checkbox"/> Contempt</p> <p><input type="checkbox"/> Divorce: Fault</p> <p><input type="checkbox"/> Divorce: Irreconcilable Differences</p> <p><input type="checkbox"/> Domestic Abuse</p> <p><input type="checkbox"/> Emancipation</p> <p><input type="checkbox"/> Modification</p> <p><input type="checkbox"/> Paternity</p> <p><input type="checkbox"/> Property Division</p> <p><input type="checkbox"/> Separate Maintenance</p> <p><input type="checkbox"/> Termination of Parental Rights</p> <p><input type="checkbox"/> UIFSA (formerly URESA)</p> <p><input type="checkbox"/> Other _____</p> <p>Contract</p> <p><input type="checkbox"/> Breach of Contract</p> <p><input type="checkbox"/> Installment Contract</p> <p><input type="checkbox"/> Insurance</p> <p><input type="checkbox"/> Product Liability under Contract</p> <p><input type="checkbox"/> Specific Performance</p> <p><input type="checkbox"/> Other _____</p> </div> <div style="flex: 1;"> <p>Probate</p> <p><input type="checkbox"/> Accounting (Probate)</p> <p><input type="checkbox"/> Birth Certificate Correction</p> <p><input type="checkbox"/> Commitment</p> <p><input type="checkbox"/> Conservatorship</p> <p><input type="checkbox"/> Guardianship</p> <p><input type="checkbox"/> Heirship</p> <p><input type="checkbox"/> Intestate Estate</p> <p><input type="checkbox"/> Minor's Settlement</p> <p><input type="checkbox"/> Muniment of Title</p> <p><input type="checkbox"/> Name Change</p> <p><input type="checkbox"/> Power of Attorney</p> <p><input type="checkbox"/> Testate Estate</p> <p><input type="checkbox"/> Will Contest</p> <p><input type="checkbox"/> Other _____</p> <p>Statutes/Rules</p> <p><input type="checkbox"/> Bond Validation</p> <p><input type="checkbox"/> Civil Forfeiture</p> <p><input type="checkbox"/> Declaratory Judgment</p> <p><input type="checkbox"/> ERISA</p> <p><input type="checkbox"/> Eminent Domain</p> <p><input type="checkbox"/> Extraordinary Writ</p> <p><input type="checkbox"/> Federal Statutes</p> <p><input type="checkbox"/> Injunction or Restraining Order</p> <p><input type="checkbox"/> Municipal Annexation</p> <p><input type="checkbox"/> Racketeering (RICO)</p> <p><input type="checkbox"/> Railroad</p> <p><input type="checkbox"/> Seaman</p> <p><input type="checkbox"/> Other _____</p> <p>Appeals</p> <p><input type="checkbox"/> Administrative Agency</p> <p><input type="checkbox"/> County Court</p> <p><input type="checkbox"/> Hardship Petition (Driver License)</p> <p><input type="checkbox"/> Justice Court</p> <p><input type="checkbox"/> MS Employment Security Comm'n</p> <p><input type="checkbox"/> Municipal Court</p> <p><input type="checkbox"/> Oil & Gas Board</p> <p><input type="checkbox"/> Workers' Compensation</p> <p><input type="checkbox"/> Other _____</p> </div> <div style="flex: 1;"> <p>Children and Minors - Non-Domestic</p> <p><input type="checkbox"/> Adoption - Noncontested</p> <p><input type="checkbox"/> Consent to Abortion for Minor</p> <p><input type="checkbox"/> Removal of Minority</p> <p><input type="checkbox"/> Other _____</p> <p>Torts - Personal Injury</p> <p><input type="checkbox"/> Bad Faith</p> <p><input type="checkbox"/> Fraud</p> <p><input type="checkbox"/> Loss of Consortium</p> <p><input type="checkbox"/> Malpractice - Legal</p> <p><input type="checkbox"/> Malpractice - Medical</p> <p><input type="checkbox"/> Negligence - General</p> <p><input type="checkbox"/> Negligence - Motor Vehicle</p> <p><input type="checkbox"/> Products Liability</p> <p><input type="checkbox"/> Wrongful Death</p> <p><input type="checkbox"/> Other _____</p> <p>Mass Tort</p> <p><input type="checkbox"/> Asbestos</p> <p><input type="checkbox"/> Chemical Spill</p> <p><input type="checkbox"/> Dioxin</p> <p><input type="checkbox"/> Hand/Arm Vibration</p> <p><input type="checkbox"/> Hearing Loss</p> <p><input type="checkbox"/> Radioactive Materials</p> <p><input type="checkbox"/> Other _____</p> <p>Real Property</p> <p><input type="checkbox"/> Adverse Possession</p> <p><input type="checkbox"/> Ejectment</p> <p><input type="checkbox"/> Eminent Domain</p> <p><input type="checkbox"/> Judicial Foreclosure</p> <p><input type="checkbox"/> Lien Assertion</p> <p><input type="checkbox"/> Partition</p> <p><input type="checkbox"/> Receiver Appointment</p> <p><input type="checkbox"/> Tax Sale; Confirmation/Cancellation</p> <p><input type="checkbox"/> Title, Boundary &/or Easement</p> <p><input type="checkbox"/> Other _____</p> <p>Civil Rights</p> <p><input type="checkbox"/> Elections</p> <p><input type="checkbox"/> Habeas Corpus</p> <p><input type="checkbox"/> Post Conviction Relief</p> <p><input type="checkbox"/> Prisoner</p> <p><input checked="" type="checkbox"/> Other <u>Excessive force</u></p> </div> </div>							

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI
JUDICIAL DISTRICT, CITY OF

Docket No. _____ Docket No. If Filed
 File Yr _____ Chronological No. _____ Clerk's Local ID _____ Prior to 1/1/94 _____

PLAINTIFFS IN REFERENCED CAUSE - Page 1 of _____ Plaintiffs Pages
IN ADDITION TO PLAINTIFF SHOWN ON CIVIL CASE FILING FORM COVER SHEET

Plaintiff #2:

Individual: Leggett Darius (_____) Jr/Sr/III/IV
 Last Name First Name Maiden Name, if Applicable Middle Init

____ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: Daniel M. Waide Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Plaintiff #3:

Individual: Leggett Antrinet (_____) Jr/Sr/III/IV
 Last Name First Name Maiden Name, if Applicable Middle Init

____ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: Daniel M. Waide Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Plaintiff #4:

Individual: _____ (_____) _____ Jr/Sr/III/IV
 Last Name First Name Maiden Name, if Applicable Middle Init

____ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS PLAINTIFF: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI
JUDICIAL DISTRICT, CITY OF

Docket No. _____ Docket No. If Filed
 File Yr _____ Chronological No. _____ Clerk's Local ID _____ Prior to 1/1/94 _____

DEFENDANTS IN REFERENCED CAUSE - Page 1 of _____ Defendants Pages
IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET

Defendant #2:

Individual: Sumrall Chey (_____) _____
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #3:

Individual: Bass Blake (_____) _____
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #4:

Individual: _____ (_____) _____
 Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A _____

Business _____
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

JOHNSON, RATLIFF & WAIDE, PLLC

Attorneys at Law
Second Floor
Great Southern National Bank Building
1300 Hardy Street
Hattiesburg, MS 39401

FILED

MAY 15 2019


FORREST COUNTY CIRCUIT CLERK

Telephone: (601) 582-4553
Telefax: (601) 582-4556
E-Mail: dwaide@jhrlaw.net
brichards@jhrlaw.net

S. Joel Johnson
Michael V. Ratliff
Daniel M. Waide

P. O. Box 17738
Hattiesburg, MS 39404-7738

May 14, 2019

Gwen Wilks
Forrest County Circuit Clerk
P. O. Drawer 992
Hattiesburg, MS 39403

RE: *Selena Howard, et al v. Forrest County, et al*

Dear Ms. Wilks,

Please find enclosed for filing herein, the following documents:

- *Complaint for Selena Howard, et al v. Forrest County, et al;*
- *Civil Cover Sheet;*
- *Summons to Forrest County, Mississippi;*
- *Summons to Chey Sumrall;*
- *Summons to Blake Bass; and*
- *Check No. 1231 in the amount of \$160 for the filing fee*

Please file the original in your customary manner and return the file stamped copy to me in the self-addressed, stamped envelope enclosed herein.

With kindest regards, I am

Sincerely,



Brittany Richards
Assistant to Daniel M. Waide, Esq.

FILED

MAY 22 2019

Gwen Wilks
FORREST COUNTY CIRCUIT CLERK

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

SELENA HOWARD; DARIOUS LEGGETT; and
ANTRINET LEGGETT

PLAINTIFFS

V.

CIVIL ACTION NO.:

W19-0106

FORREST COUNTY;
CHEY SUMRALL, individually and
in his official capacity; BLAKE BASS,
individually and in his official capacity

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI
COUNTY OF FORREST

TO: Forrest County, Mississippi
c/o Jimmy Havard
641 Main Street
Hattiesburg, MS 39401

THE COMPLAINT, WHICH IS ATTACHED TO THIS SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint to Daniel M. Waide, P.O. Box 17738, Hattiesburg, MS 39404, attorney for the Plaintiffs. Your response to the Complaint must be mailed or delivered within 30 days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint. You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 15 day of May, 2019.

Gwen Wilks,

CIRCUIT CLERK



D.C.

Daniel M. Waide, (MSB#103543)
1300 HARDY ST.
PO Box 17738
HATTIESBURG, MS 39404
601-582-4553 (OFFICE)
601-582-4556 (FAX)
dwaide@jhrllaw.net

FILED

MAY 22 2019

PROOF OF SERVICE - Summons
(Process Server)J. W. WALKER
FORREST COUNTY CIRCUIT CLERK

I, the undersigned process server, served the Summons upon the person or entity named above in the manner set forth below:

☒ PERSONAL SERVICE. I personally delivered a copy to Sandra Bounds on the 17 day of MAY, 2019, where I found said person in Forrest County, Mississippi.

☐ RESIDENCE SERVICE. After exercising reasonable diligence, I was unable to deliver copies to said person within _____ County, Mississippi. I served the Summons on the _____ day of _____, 2019, at the usual place of abode of said person by leaving a copy of the Summons with _____ who is the _____ (insert wife, husband, son, daughter, or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the Summons, and thereafter on the _____ day of _____, 2019, I mailed, by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

At the time of service, I was at least 18 years of age and not a party to this action.

Process server must list below:

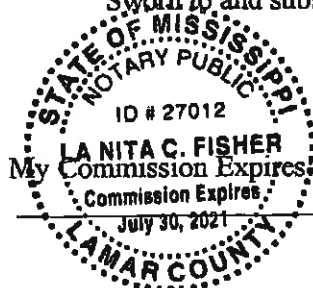
Name: Brittany Richards
Address: 98 Kitchens Loop
Ellisville MS 39427
Telephone: 601-335-3191

STATE OF MISSISSIPPI
COUNTY OF Forrest

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Brittany Richards, who being first by me duly sworn, states on oath that the matters and facts set forth in the foregoing "Proof of Service - are true and correct as therein stated.

Brittany Richards
PROCESS SERVER

Sworn to and subscribed before me on this the 17th day of MAY, 2019.



LaNita C. Fisher
NOTARY PUBLIC

FILED

MAY 22 2019

JOHNSON, RATLIFF & WAIDE, PLLC

Attorneys at Law
Second Floor
Great Southern National Bank Building
1300 Hardy Street
Hattiesburg, MS 39401

Gwen Wilks
FORREST COUNTY CIRCUIT CLERK

Telephone: (601) 582-4553
Telefax: (601) 582-4556
E-Mail: dwaide@jhrlaw.net
brichards@jhrlaw.net

S. Joel Johnson
Michael V. Ratliff
Daniel M. Waide

P. O. Box 17738
Hattiesburg, MS 39404-7738

May 17, 2019

Gwen Wilks
Forrest County Circuit Clerk
P. O. Drawer 992
Hattiesburg, MS 39403

RE: *Selena Howard, et al v. Forrest County, et al*
Civil Action No.: W19-0106

Dear Ms. Wilks,

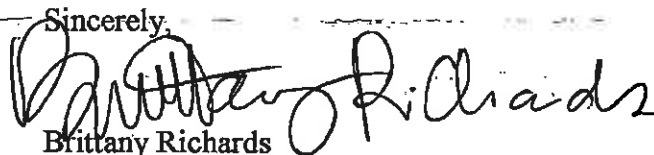
Please find enclosed for filing herein, the following documents:

- *Executed Summons of Forrest County, Mississippi and One Copy*

Please file the original in your customary manner and return the file stamped copy to me in the self-addressed, stamped envelope enclosed herein.

With kindest regards, I am

Sincerely,



Brittany Richards
Assistant to Daniel M. Waide, Esq.

encl.